

Department of Marine Resources
NOTICE OF AGENCY EMERGENCY RULE-MAKING

CHAPTER # & TITLE: Chapter 10.05 Taking of quahogs in the sub-tidal waters of New Meadows Lake, Brunswick and West Bath

CONCISE SUMMARY: The Commissioner adopts these emergency regulations in the New Meadows Lake, Brunswick and West Bath due to the unusually large concentration of fishermen and risk of unusual damage to the local quahog resource. Harvest by towing any dredge, drag or other implement by watercraft, suction pumping device, or diving methods will be prohibited; harvest by any method will be limited to daylight hours, i.e., nights will be closed. A copy of the rule is available online at <http://www.maine.gov/dmr/rulemaking/> or to receive a copy by mail see agency contact information listed.

A public hearing will be held in the affected area if requested of the Commissioner in writing by 5 persons. The hearing will be held within 30 days of the Commissioner receiving the written requests.

EFFECTIVE DATE: **April 1, 2010** (expires June 29, 2010)

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSONS: **Lt. Jon Cornish (207-633-9595)**

AGENCY NAME: **Department of Marine Resources, attn: L. Churchill**

ADDRESS: **PO Box 8, West Boothbay Harbor, Maine 04575-0008**

WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL: laurice.churchill@maine.gov **TEL:** (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing)

Adopted emergency regulations: Chapter 10 Clams and Quahogs

10.05 Taking of quahogs in the sub-tidal waters of New Meadows Lake, Brunswick and West Bath

A. New Meadows Lake: The area bounded by the Old Bath Road and the Brunswick Road.

B. Methods of harvest prohibited

It shall be unlawful to fish for or take quahogs by towing any dredge, drag or other implement by watercraft; by diver/diving (SCUBA or snorkel*); or by pump, suction or any type of mechanical suction device. Hand digging with a so-called clam hoe or bull rake, hand-raking, hand tonging, or picking quahogs out of the mud by hand are allowed.

*Any artificial breathing device that allows a person to breathe underwater.

This subsection does not apply to the holder of a lease issued under 12 M.R.S. §§6072, 6072-A or 6072-B when fishing for or taking quahogs cultivated on the leased area within the waters of New Meadows Lake.

C. Night prohibition

It shall be unlawful to fish for or take quahogs during the period ½ hour after sunset, as defined in 12 M.R.S. §6001(46), until ½ hour before sunrise, as defined in 12 M.R.S. §6001(45).

Basis Statement

These restrictions are considered necessary due to a large harvester effort in this relatively small geographical area. The New Meadows Lake was opened last fall and has been heavily harvested all winter and even more so this early spring as observed by local enforcement personnel from the Department of Marine Resources (DMR) and the Town of Brunswick. The DMR is concerned with the sustainability of the resource based on the unusually heavy concentration of harvesters in this area and the quantity of product being removed, which might deplete the supply of this quahog resource.

These emergency regulations would impact commercial and recreational shellfish license holders who harvest quahogs from New Meadows Lake in Brunswick and West Bath. Harvest by towing any dredge, drag or other implement by watercraft, suction pumping device, or diving methods will be prohibited; harvest by any method will be limited to daylight hours, i.e., nights will be closed.

The Commissioner hereby adopts these emergency regulations pertaining to the local quahog resource in the New Meadows Lake located in Brunswick and West Bath due to the risk of unusual damage and unusually large concentration of fishermen. As authorized by 12 M.R.S. §§6171, 6171(3) and 6192(4) the Commissioner of Marine Resources adopts this emergency regulation.